

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RYAN THOMAS BECHARD and
KATHLEEN LYNN BECHARD,
Plaintiffs,

OPINION AND ORDER

v.

14-cv-775-wmc

JAMES M. ISAACSON, CHRISTINE GIMBER,
BRAD JAMES COLBERT, PAMELA S. LAHR
and JON HEHLI,
Defendants.

RYAN THOMAS BECHARD,
Plaintiff,

OPINION AND ORDER

v.

14-cv-776-wmc

MICHAEL S. STELLICK and DAVID DITTRICH,
Defendants.

On November 7, 2014, this court dismissed a “Bill in Equity” filed by *pro se* plaintiffs Ryan Thomas Bechard and Kathleen Lynn Bechard after finding that it lacked subject matter jurisdiction over the dispute, which stemmed from a state court foreclosure action. *See Ryan Thomas Bechard & Kathleen Lynn Bechard v. James M. Isaacson, Christine Gimber, Brad James Colbert, Pamela S. Lahr and Rudy Pereira*, Case No. 14-cv-764. On that same date and for the same reason, the court dismissed a similar Bill filed by Ryan Thomas Bechard involving a real estate purchase agreement. *See Ryan Thomas Bechard v. Micheal S. Stellick and David Dittrich*, Case No. 14-cv-763. Bechard has now re-filed substantially similar Bills, requesting leave to

proceed under seal and without prepayment of the filing fee.¹ He also requests an *in camera* evidentiary hearing. Bechard's requests will be denied.

To the extent that Bechard seeks leave to proceed *in forma pauperis*, the court must screen the complaint and dismiss any portion that is legally frivolous, malicious, fails to state a claim upon which relief may be granted or seeks money damages from a defendant who by law cannot be sued for money damages. See 28 U.S.C. § 1915(e)(2)(B). An action or claim may be dismissed as frivolous if "it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Repetitive allegations are considered malicious and are also grounds for dismissal. See *Lindell v. McCallum*, 352 F.3d 1107, 1109-10 (7th Cir. 2003) (citing *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1983) (noting that it is "malicious" for a *pro se* litigant to file a lawsuit that duplicates allegations of another federal lawsuit by the same plaintiff) (citations omitted). Because Bechard's current allegations substantially duplicate those that were raised and dismissed previously for lack of subject matter jurisdiction, the court will deny leave to proceed and dismiss both of his pending actions as legally frivolous and malicious.

The court notes that Bechard has filed at least one other case that was dismissed for lack of subject matter jurisdiction. See *Ryan Thomas Bechard v. William Wallo and Roderick Cameron*, 14-cv-608-wmc (Sept. 10, 2014). Bechard is admonished that the practice of filing repetitive complaints or those that plainly lack subject matter jurisdiction under 28 U.S.C. §§ 1331 or 1332 will result in sanctions, including but not limited to monetary penalties.

¹ Kathleen Lynn Bechard has not signed any of the pleadings. Therefore, it appears that Ryan Thomas Bechard is the sole plaintiff in the above-captioned cases.

ORDER

IT IS ORDERED that:

1. Plaintiff Ryan Thomas Bechard's request to seal the pleadings and for an *in camera* evidentiary hearing (dkt. # 2) is DENIED.
2. Bechard's request for leave to proceed is DENIED and both of the above-captioned cases are DISMISSED as legally frivolous and malicious for purposes of 28 U.S.C. § 1915(e)(2)(B).
3. Bechard is WARNED that the continued practice of filing repetitive complaints or those that plainly lack subject matter jurisdiction under 28 U.S.C. §§ 1331 or 1332 will result in sanctions, including but not limited to monetary penalties.

Entered this 13th day of November, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge